

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:)	BANKRUPTCY CASE NO. 09-55528
)	
RITA MARIE ZUSHIN)	CHAPTER 13 PROCEEDING
)	
DEBTOR)	JUDGE MARILYN SHEA-STONUM

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

Now comes KeyBank National Association ("Creditor"), by and through counsel, and states that it objects to confirmation of the Chapter 13 Plan("Plan") filed by the above-captioned debtor(s) ("Debtor") for the following reason(s).

The proposed Plan does not provide for equal treatment of creditors within the same class as required by 11 U.S.C. §1322(a)(3). Creditor has a secured claim on real property located at 318 Pioneer Akron, OH. Debtor is providing for payments to other secured creditors, but not KeyBank.

The objecting Creditor is a secured creditor who rejects the proposed Plan pursuant to 11 U.S.C. §1325(a)(5)(A) because the proposed monthly payments to said objecting Creditor constitute an unreasonable "cram-down" and do not offer adequate protection for Creditor's depreciating collateral. Debtor intends to list property for sale for one (1) year and expects the Creditor to receive no adequate protection in that time period. Debtor shall either provide for periodic payments to the Creditor on its claim, or as per §1325(a)(6), Debtor shall surrender said property to the Creditor.

WHEREFORE, KeyBank National Association ("Creditor") prays this Court deny confirmation of the proposed Chapter 13 Plan.

WELTMAN, WEINBERG & REIS CO., L.P.A.

/s/ Milan Kubat

Milan Kubat, (0081647)

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CERTIFICATE OF SERVICE

A copy of the within Objection to Confirmation was mailed this 15th day of January, 2010 to the Debtor, Rita Marie Zushin, 1920 Wells Creek Run, Akron, OH 44312, by regular United States Mail; Debtor's Attorney, Robert M. Whittington, Jr., Key Bldg., 159 S. Main Street, #1023, Akron, OH 44308-1318, served electronically at elkwhitt@neo.rr.com; and the Chapter 13 Trustee, Keith Rucinski, served electronically at efilings@ch13akron.com .

/s/ Milan Kubat

Milan Kubat, (0081647)

Weltman, Weinberg & Reis Co., L.P.A.

Attorney for KeyBank National Association ("Creditor")